

E-filed on: 8/2/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LAURIE LASKER,

Plaintiff,

v.

SANTA CRUZ SHERIFF'S DEPARTMENT,
et al, ALFONSO ORTIZ, and UNNAMED
DEFENDANTS

Defendants.

No. C-05-00251 RMW

ORDER DENYING MOTION TO REOPEN
CASE UNLESS FILING FEE IS PAID;
DENYING MOTION TO APPOINT
COUNSEL

[Re Docket No. 9]


Plaintiff seeks to re-open this dismissed case and for appointment of counsel. She filed suit against the Santa Cruz Sheriff's Department, Alfonso Ortiz, and "unnamed defendants," alleging violations of 42 U.S.C. § 1983 and her rights under the Fourth, Six, and Fourteenth Amendments to the U.S. Constitution. The court initially permitted her to proceed in forma pauperis. On May 4, 2006, the court issued an order denying plaintiff's request to add defendants and dismissing the case pursuant to Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B)(ii).

The court held that the complaint failed to state a cognizable claim under 42 U.S.C. § 1983 against the Santa Cruz Sheriff's Department because it failed to allege that a policy or practice of the

1 Santa Cruz Sheriff's Department caused the alleged violations of her constitutional rights. The court
2 also held that plaintiff's allegations regarding defendant Alfonso Ortiz did not set forth that Ortiz had
3 wronged her in any way and dismissed the claims against him pursuant to Federal Rule of Civil
4 Procedure 12(b)(6). Plaintiff also did not explain how any defendant in the list of additional defendants
5 she sought to add to her complaint was liable to her.

6 Since the complaint fails to allege a cognizable cause of action against the named defendants and
7 does not appear to have merit, plaintiff may not reopen and pursue this case unless she pays the required
8 filing fee. Plaintiff has 30 days from the date of this order to pay the appropriate filing fee. If she does
9 so, the clerk shall reopen her case. Plaintiff will then have to amend the complaint to state a cognizable
10 claim and serve the defendants. Plaintiff's motion to appoint counsel is denied.

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13 DATED: 8/2/07



RONALD M. WHYTE
United States District Judge

1 A copy of this order was mailed on 8/2/07 to:

2 **Plaintiff (*pro se*):**

3 Laurie Elizabeth Lasker
4 P.O. Box 22814
5 Santa Barbara, CA 93121

6 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.
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